



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WILLIAM H. SANDERS, on behalf of
Himself and all others similarly situated,

Plaintiff,

vs.

FOREX CAPITAL MARKETS, LLC,

Defendant.

CASE NO.: 1:11-cv-00864-CM

**DECLARATION OF WILLIAM H. SANDERS IN OPPOSITION TO DEFENDANT
FOREX CAPITAL MARKETS, LLC'S MOTION TO COMPEL ARBITRATION OF
PLAINTIFF'S INDIVIDUAL CLAIMS AND TO STAY PROCEEDINGS**

Pursuant to 28 U.S.C. § 1746, I, William H. Sanders, declare under penalty of perjury that the following is true and correct:

1. I am the named plaintiff in this lawsuit. I am over the age of 21 years of age, and make the following statements on the basis of my own personal knowledge. If I were asked to testify in open court, I would make the same statements as are contained in this declaration.

2. I completed an on-line application with FXCM in January of 2004. I do not recall seeing an arbitration clause being separately shown to me as I filled out the on-line application. I have no memory of signing or separately endorsing an arbitration clause.

3. I have no record or memory of receiving any notices from FXCM indicating that it modified the terms of my account after I completed the on-line application in January of 2004. Likewise, I have no record or memory of ever receiving a copy of any Client Agreement from



FXCM by mail, email, or any other way after I completed the on-line application in January of 2004.

4. I have not seen any FXCM Client Agreements since I completed the on-line application process in January 2004. I have not seen any FXCM Client Agreements on the internet, through the FXCM website at www.fxcm.com, or through any other source. In fact, I am not aware that FXCM's Client Agreements are available on the FXCM website, or through any other source, other than during the initial sign-up process of completing an on-line account application.

5. During the entire time I traded with FXCM, it was my understanding that, the terms and conditions that applied when I opened my account in January 2004 remained the same for the whole time my account was open with FXCM.

Dated April 22, 2011


William H. Sanders